

destination. With respect to this subject matter, the Office Action states that Miller discloses the step of locating the addressee (destination) according to previously established rules, with reference to column 5, lines 2-3. It is respectfully submitted that these rules do not operate to acquire information about the location of the destination of a message. Rather, they indicate how the intended recipient is to be notified when a message is received under various sets of conditions. They have nothing to do with the location to which the message is addressed.

Nevertheless, even if one were to interpret the Miller patent in the manner suggested in the Office Action, it still does not suggest the claimed subject matter. Specifically, claim 1 recites a selecting device that selects one of multiple image output devices "on the basis of the location information acquired by said location acquiring device." In the Miller patent, the selection of an image output device is performed by the user. See, for example, column 6, lines 14-16. This selection is not carried out "on the basis of the location information acquired by said location acquiring device," i.e. on the basis of the pre-established rules noted above. It is determined solely by the choice of the user, and has nothing to do with those rules.

Hence, even if one were to interpret the established rules as a form of location information acquiring device, as set forth in the Office Action, there is no nexus between these rules and the selection of the image output device. As such, the selection is not made "on the basis of the location information acquired by said location acquiring device," as required by claim 1.

For at least this reason, therefore, the Miller patent does not anticipate claim 1, nor any of its dependent claims. For the same reasons, claims 15-30 and 37-43 are likewise not anticipated.

Claim 14 recites the feature of transmitting to the certain destination both an e-mail receipt notification and an email identifying multiple prospective image output devices. The final Office Action does not indicate where the Miller patent discloses the transmission of both of these forms of information to the destination address. At best, the rejection explains where the Miller patent discloses sending a notification that a message has been received. However, it has not shown that the Miller patent also discloses sending an email identifying multiple prospective image output devices. This claimed feature was apparently overlooked in the rejection.

For at least this reason, the Miller patent does not anticipate the subject matter of claim 14. For similar reasons, claims 31 and 44-46 are likewise not anticipated.

Claim 32 recites an acquiring device acquiring the data that indicates an image output device selected on the basis of the location detected by the detecting device. Theimer discloses that the location of a user can be determined. However, it does not disclose a device that acquires "the data that indicates an image output device selected on the basis of the [detected] location," as recited in claim 32. As noted in the Office Action, it only discloses the delivery of the *message* to the determined location. It says nothing about acquiring data that indicates an image output device selected on the basis of the detected location.

For at least this reason, therefore, claims 32-36 are not anticipated by the Theimer patent.

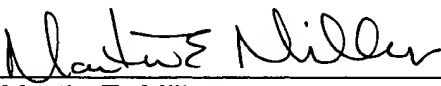
Furthermore, in view of the foregoing distinctions, the Miller and Theimer patents do not suggest the subject matter of claims 1-32 and 36-43 when considered in combination. In the rejection under 35 USC 103, the Theimer patent was relied upon for its disclosure of detecting the location of a subscriber device. Even if this disclosure is applied to the system of the Miller patent, it does not overcome the differences identified above. For instance, the combined teachings of the references do not suggest a selecting device that selects one of multiple image output devices on the basis of the location information acquired by the location acquiring device.

In light of the above arguments, Applicant's request withdrawal of the rejections. If the Examiner has any questions or suggestions to put the claims in a form necessary for allowance, the undersigned may be contacted at the number listed below.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: November 16, 2005

By: 
Martin E. Miller
Registration No. 56,022

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620